CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-09
)	
EDWARD K. NODA and ASSOCIATES,)	
INC. and Edward K. Noda,)	
)	
Respondents.)	
)	

CONCILIATION AGREEMENT

On or around October 2001, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Edward K. Noda and Associates, Inc. and Edward K. Noda ("Noda" unless otherwise noted). Noda is registered with the Business Registration Division as providing engineering services, whose business address is 615 Piikoi Street, Suite 300, Honolulu, Hawaii. Currently, officers of Noda include:

Elaine E. Tamaye President

Edward K. Noda Secretary and Vice-President

Brian Ishii Vice-President

James G. Dittmar (semi-retired) Former Executive Vice-President

Family members and employees making contributions include:

Lorraine Noda, Wife of Edward Noda
Stanley Mimura, Father-in-law of Edward Noda
Felicia K. Mimura, Mother-in-law of Edward Noda
Lynn Ishii, Wife of Brian Ishii
Joe Kanemoto, Father-in-law of Brian Ishii
Roxanne Yamamoto, Sister of Brian Ishii
Sherry L. Dittmar, Wife of James Dittmar
Brian Kawano, Relative of Elaine Tamaye
Clifford Kawano, Relative of Elaine Tamaye
Lois Kawano, Relative of Elaine Tamaye
Lawrence Chun, Former employee
James Salvani, Son-in-law of Lawrence Chun

The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Noda and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around October 2001, Robert Y. Watada, in his capacity as

 Executive Director of the Campaign Spending Commission, and
 upon information received through the disclosure statements of the
 Ben Cayetano campaign committee ("Cayetano"), the Jeremy
 Harris campaign committee ("Harris"), and the Mazie Hirono

- campaign committee ("Hirono"), initiated an investigation involving violations of the Hawaii campaign finance statutes.
- 2. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.
- 3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
- 4. Section 11-204(h), HRS, reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
- 5. Section 11-202, HRS, reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election or election, in any name other than the true name of the person who owns the money or who supplied the money or property.

- 6. The commission finds that for the 1995 to 2002 review period

 Noda, employees and family members made contributions to

 candidates, including subject candidates in an amount in excess of

 \$133,000.
- 7. That contributions from Noda, employees and family members to Cayetano for the 1998 election period total \$41,000.
- 8. Individual contributions from Noda, employees and family members to Cayetano include:

11/95	E.K. Noda & Associates	\$2,000
	Edward Noda	\$2,000
	Lorraine Noda	\$2,000
	James Dittmar	\$2,000
	Sherry Dittmar	\$2,000
4/97	E.K. Noda & Associates	\$3,000
	E.K. Noda & Associates	\$1,000
	Edward Noda	\$4,000
	Lorraine Noda	\$4,000
	Elaine Tamaye	\$1,000
	James Dittmar	\$4,000
	Sherry Dittmar	\$4,000
9/98	Clifford Kawano	\$2,000
10/98	Elaine Tamaye	\$2,000
	Brian Ishii	\$2,000
	Stanley T. Mimura	\$1,000
	Stanley T. Mimura	\$1,000
	Felicia K. Mimura	\$1,000
	Felicia K. Mimura	\$1,000

- 9. That contributions from Noda, employees and family members from 1996 to 2001 to Harris total \$48,750.
- 10. Individual contributions from Noda, employees and family members to Harris include:

8/96	Stanley T. Mimura	\$2,500
	Felicia K. Mimura	\$2,500

	Lawrence Chun	\$1,500
	James Salvani	\$1,000
8/97	Felicia K. Mimura	\$1,000
0/91	Lawrence Chun	
		\$2,000
11/07	James Salvani	\$2,000
11/97	Sherry Dittmar	\$2,000
	Stanley T. Mimura	\$1,000
	Felicia K. Mimura	\$1,000
6/99	E.K. Noda & Associates	\$2,000
12/99	Edward K. Noda	\$1,000
	Lorraine M. Noda	\$1,000
	Elaine E. Tamaye	\$1,000
	Lynn Y. Ishii	\$2,000
	James G. Dittmar	\$1,000
	Sherry L. Dittmar	\$1,000
	Stanley T. Mimura	\$1,000
	Felicia K. Mimura	\$1,000
3/00	Edward K. Noda	\$1,000
	Elaine E. Tamaye	\$500
	Brian T. Ishii	\$500
8/00	Lawrence Chun	\$2,000
9/00	Lorraine M. Noda	\$1,250
	Elaine E. Tamaye	\$2,000
	Brian T. Ishii	\$2,000
	James G. Dittmar	\$2,000
	Sherry L. Dittmar	\$1,000
	Felicia K. Mimura	\$1,750
	Stanley T. Mimura	\$2,000
	Joe Kanemoto	\$1,000
	Roxanne S. Yamamoto	\$1,000
	Clifford Kawano	\$1,000
	Lois Kawano	\$1,000
11/01	Edward K. Noda	\$500
	Lorraine M. Noda	\$500
	Elaine E. Tamaye	\$500
	Brian T. Ishii	\$500
		4500

- 11. That contributions from Noda, employees and family members from 1997 to 2002 to Hirono total \$25,000.
- 12. Individual contributions from Noda, employees and family members to Hirono include:

9/97 E.K. Noda & Associates \$500

n Kawano	\$2,000
Noda & Associates	\$4,000
Noda & Associates	\$500
n Y. Ishii	\$2,000
ry L. Dittmar	\$2,000
ard K. Noda	\$1,000
ne E. Tamaye	\$1,000
n T. Ishii	\$1,000
es G. Dittmar	\$2,000
ard K. Noda	\$2,000
ne E. Tamaye	\$2,000
n T. Ishii	\$2,000
ard K. Noda	\$1,000
ne E. Tamaye	\$1,000
n T. Ishii	\$1,000
	Noda & Associates Noda & Associates n Y. Ishii ry L. Dittmar ard K. Noda ne E. Tamaye n T. Ishii es G. Dittmar ard K. Noda ne E. Tamaye n T. Ishii ard K. Noda ne E. Tamaye n T. Ishii ard K. Noda ne E. Tamaye n T. Ishii ard K. Noda ne E. Tamaye

- 13. On or about August 1998, Felicia K. Mimura made a contribution to gubernatorial candidate Frank F. Fasi in the amount of \$750.
- 14. On or about August 1998, Stanley T. Mimura made a contribution to gubernatorial candidate Frank F. Fasi in the amount of \$750.
- 15. On or about October 1998, Lawrence Chun made a contribution to gubernatorial candidate Linda Lingle in the amount of \$3,000.
- 16. On or about October 1998, a contribution attributed to James

 Salvani was made to gubernatorial candidate Linda Lingle in the amount of \$4,000.
- 17. That Noda did not file an organizational report pursuant to section 11-194, HRS.
- 18. That Noda did not file state contractor reports pursuant to section 11-205.5, HRS.
- 19. That Noda did not file disclosure reports pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-09, Noda understands and agrees to the following:

- (A) Noda agrees to an assessment of **Seventy-four Thousand Dollars (\$74,000)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-202, HRS, making campaign contributions in the name of another to the Cayetano campaign committee;
 - (2) For violation of section 11-202, HRS, making campaign contributions in the name of another to the Harris campaign committee;
 - (3) For violation of section 11-202, HRS making campaign contributions in the name of another to the Frank Fasi campaign committee;
 - (4) For violation of section 11-202, HRS, making campaign contributions in the name of another to the Linda Lingle campaign committee;
 - (5) For violation of section 11-204, HRS making excess campaign contributions to the Cayetano campaign committee;

- (6) For violation of section 11-204, HRS making excess campaign contributions to the Harris campaign committee;
- (7) For violation of section 11-205.5, HRS, failure to file state contractor disclosure reports; and
- (8) For violation of sections 11-194, 11-212 and 11-213, failure to file an organizational report and required disclosure reports for the respective election periods.
- (B) Noda acknowledges the contributions as reported by the candidates, but makes no admission as to violations by entering into this Conciliation Agreement and payment of the assessment.
- (C) Noda agrees to comply with campaign finance statutes on contributions and expenditures to candidate committees.
- (D) Terms of payment of the assessment shall be by Order of the Commission.
- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Noda on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:	FOR THE RESPONDENT(S)
Robert Y. Watada, Executive Director	Edward K. Noda
By: Date:	By:(Name) (Title)
	Date: